IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14196 of 2004

Between:

1 Bhusi Marthamma W/o pethuru
r/o Kalla Village & Mandal, West Godavari District
2 K. Shanthamma W/o Andhraiah
r/o Kalla Village & Mandal, West Godavari District
3 Yalla Manikyam W/o Gangarju
r/o Kalla Village & Mandal, West Godavari District
4 Yella Nageswara S/o Naganna
r/o Kalla Village & Mandal, West Godavari District
5 Bhusi Pethuru S/o Rajanna
r/o Kalla Village & Mandal, West Godavari District

...PETITIONERS

AND

1. The District Collector, West Godavari District at Eluru.

2. The Mandal Revenue Officer, Kalla Mandal, West Godavari District.

3. Muthyala Venkata Ratnam @ Venkateswara Rao s/o Manikyam
Rural Coop. Bank, Aakiveed, West Godavari District.

4. Bandari Venkata Satyanarayana s/o Venkata Ramaiah
R/o Near Panchayat Officer, Kalla (V) & (M) West Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction, particularly one in the nature of Writ of Mandamus, directing the respondents 1 & 2 (official respondents) to give protection to the petitioner's respective patta/lands in Sy. Nos. 662,665 &666 situated in Kalla village and Mandal, West Godavari District and save the said lands from the intruders/land-grabbers and their hench-men and other un-social elements and issue pattadar pass-books to the petitioners to the respective extents viz AC. 2.00 each in Sy. Nos. 662,665&666 in Kalla Village & Mandal, West Godavari District forthwith.

Counsel for the Petitioners: MR.N.SREENIVASA YADAV

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent Nos.3 and 4:----------

The Court at the admission stage made the following:

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ORDER:

The petitioners allege that they are the owners, pattadars and possessors of agricultural lands in Survey Nos.662, 665 and 666 admeasuring Acs.2.00 each of Kalla village in West Godavari District. They further allege that due to drought situation, they have kept the land fallow and left the village. When they returned to the fields for taking up agricultural operations, they allege that respondent Nos.3 and 4 are trying to occupy the lands high-handedly. Therefore, they approached the police authorities who declined to interfere into the matter on the ground that it is a civil dispute. The petitioners also approached the Mandal Revenue Officer, the second respondent, in vain. Therefore, they filed the present Writ Petition seeking a direction to the respondent Nos.1 and 2 to protect the title, ownership and possession of the petitioners.

The allegation is made only against respondent Nos.3 and 4 to the effect that they are trying to forcibly occupy the lands allegedly belonging to the petitioners. It is purely a civil dispute and nothing prevents the petitioners to invoke common law jurisdiction to approach the civil Court and obtain appropriate injunction. In this Writ Petition, no direction can be given to respondent Nos.1 and 2 to give protection to the petitioners.

The Writ Petition is misconceived and is accordingly dismissed.

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(V.V.S.RAO, J)

12th August 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The District Collector, West Godavari District at Eluru.
2. The Mandal Revenue Officer, Kalla Mandal, West Godavari District.
3. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.